

### **REMARKS**

The Office Action mailed June 21, 2005 has been carefully reviewed along with the references cited therein. In the subject Office Action, the Examiner objected to the drawings because reference number 106 was not shown in any of the drawings. The Examiner rejected claims 1-17 and 19. Claims 14-17 and 19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-17 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lehn (U.S. Patent No. 2,534,358). Claim 9, 11, 12, 14-17 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Engstrom (European Patent No. 954,964). Claims 1-17 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kania (U.S. Patent No. 4,425,732). Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehn in view of Killinger (Canadian Patent No. 694,163). Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehn. Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Engstrom in view of Killinger. Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kania in view of Killinger. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kania.

A proposed after final amendment was sent to the Examiner for his consideration. The Examiner responded by bringing additional references to the attention of Applicant. These references are discussed below.

### **Drawing objections**

As for the drawings, reference numeral 106 has been added to FIGURE 1. A replacement sheet reflecting those changes accompanies this amendment.

### **§ 112 rejection**

As for the § 112 rejections, claim 14 has been cancelled from the application.

### **Claims 1- 8 and 20 – 21**

Claims 1 – 8 were rejected as being anticipated by Lehn and Kania. Claim 1 has been amended to recite "a striker mounted inside the frame such that no portion of the striker extends beyond an exterior surface of the frame." In Kania, the striker 29 extends

beyond an exterior surface of the frame. Claim 1 has also been amended to recite “a floor spaced from the frame upper wall and extending from adjacent the first opening to adjacent the second opening, wherein no components extend upwardly from the floor generally along a line that intersects the first opening and the second opening such that the animal's burrow appears uninterrupted between the first opening and the second opening.” In Lehn, a cylindrical member 45 extends upwardly from the floor between the opposing openings. Accordingly claim 1 has been amended to define over these two references.

The Examiner also brought to Applicant's attention other patents that disclose mounting a striker inside of a frame such that no portion of the striker extends beyond an exterior surface of the frame. The patents that the Examiner cited are listed below:

U.S. Patent No. 718,853 Merritt

U.S. Patent No. 744,029 Birdsall

U.S. Patent No. 774,629 Wilkinson

U.S. Patent No. 1,091,926 Gates

U.S. Patent No. 1,799,149 Burnley

U.S. Patent No. 1,992,353 Cattanach

U.S. Patent No. 4,578,893 Wickenberg

Merritt, Birdsall and Gates fail to disclose a floor that extends from adjacent the first opening to adjacent the second opening. Wilkinson and Cattanach fail to disclose a second opening. Burnley discloses a partition extending up from the floor. Accordingly, none any of the aforementioned references render claim 1 unpatentable.

### **Claims 9, 10, 12 and 13**

Claim 9 has been amended to recite “positioning a floor plate below the upper wall, said floor plate including a floor plate opening disposed adjacent at least one of said entry opening and said second opening; and inserting a pin into said floor plate opening such that said pin extends upwardly from said floor plate.” None of the references cited by the Examiner disclose or suggest inserting a pin and that the pin extends upwardly from the floor plate. Such a configuration can, although it is not required, inhibit an animal from packing the opening. In view of the amendment, claim 9 patentably defines over the cited references.

**Claims 22 – 26, 17 and 19**

Claims 22 – 26 have been added to the application and are believed to be patentable over the references cited by the Examiner. Claims 17 and 19 have been amended so that they now depend from claim 22.

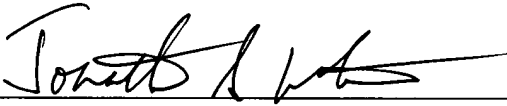
**CONCLUSION**

For the reasons detailed above, it is submitted that all claims remaining in the application are now in condition for allowance. Accordingly, an early indication of the same is earnestly solicited. In any event, should the Examiner consider personal contact advantageous to the disposition of this case, he is encouraged to telephone the undersigned at the number listed below.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
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September 14, 2005  
Date

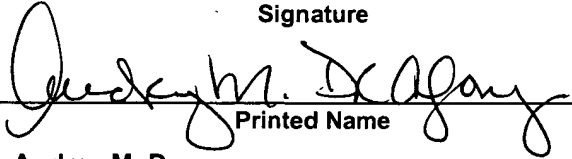
  
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<b>Printed Name</b> <b>Audrey M. Dragony</b>